

## **Florida Keys National Marine Sanctuary Advisory Council**

**October 19, 2004  
Marathon Garden Club**

### **Members in attendance:**

Jack Curlett	Jerry Lorenz
Richard Fortmann	Martin Moe
Richard Grathwohl	Ken Nedimyer
Debra Harrison	Krueger Nicholson
David Hawtof	Bruce Popham
Mark Klingbeil	

### **Alternates in attendance:**

Fran Decker  
Walt Drabinski  
Scott Fowler  
David Rice

### **Call to Order/Approval of Minutes/Adoption of Agenda**

Acting Chair Bruce Popham called the meeting to order at 9:10. The Minutes from the June 15, 2004 meeting were approved as presented. The Agenda for this meeting was adopted as presented.

### **Introductions**

Members and alternates introduced themselves with a brief biographical description, as did agency representatives. Acting Chair Popham, Superintendent Causey and Danny Riley of Florida Department of Environmental Protection welcomed the new membership with some words on the history and role of the Advisory Council.

### **Homage to Peter Gladding**

Mr. Causey spoke of Peter Gladding's courage, vision and generosity of spirit in helping to establish the Tortugas Ecological Reserve and promote responsible fishing practices. He presented a plaque in honor of this remarkable contribution to Mary Gladding and Peter's family with the grateful thanks of the Sanctuary, and the generations to come.

Richard Grathwohl moved, seconded by Fran Decker and Ken Nedimyer, that the Florida Keys National Marine Sanctuary Advisory Council request Sanctuary managers name the yellowtail snapper reef in Tortugas North where he fished after Peter Gladding. The motion passed unanimously.

### **Public Comment**

No Public Comment.

### **Sanctuary Superintendent's Report**

Mr. Causey distributed copies of Sanctuary Situation Reports compiled since the August SAC meeting. He specifically mentioned the Connectivity meeting held in Key West, the presentation of the Sanctuary Report to the Governor and Cabinet and the busy hurricane season. He mentioned a recent trip he made to the San Andres archipelago in Colombia as a member of the Advisory Board to the largest marine protected area in this hemisphere. It is located about 100 miles east of Nicaragua and upstream of the Florida Keys.

### **Florida Department of Environmental Protection – Danny Riley (FDEP)**

Mr. Riley said that volunteerism is very important within the state aquatic preserves, as well as in the Reef Medics and Team OCEAN programs. He said that it will be a tight budgetary year for the state because of all the hurricanes. He expressed gratitude that none directly hit the Keys. Discussion concerned qualifications necessary for programs like Reef Medics, which is supposed to restore orphan groundings in shallow waters. Concerns were expressed about the stringent diving requirements to participate.

Sunken vessels in navigable waterways were discussed, as were the conditions of artificial reefs after the hurricanes. The marine industry is looking forward to working with DEP on these issues, and suggest that this should be considered in emergency planning.

### **Florida Fish & Wildlife Conservation Commission – John Hunt (FWRI)**

Mr. Hunt said that the Commission meeting is at the same time as the Coral Reef Task Force meeting, from December 1st, 2004, at the Sheraton in Key Largo. The final public hearing for the marine life fishery will be held at that meeting. He mentioned two science conferences in November; the Gulf and Caribbean Fisheries Institute meeting in St. Petersburg from November 8-12<sup>th</sup>, 2004 and the Mote Marine Laboratory Fisheries Symposium from 9-11<sup>th</sup> November, 2004 in Sarasota.

Mr. Hunt said that a workshop will be held on Friday, 22<sup>nd</sup> November at IGFA in Dania to develop a comprehensive wildlife strategy which is required for federal wildlife funds to come to state agencies. These funds historically go to terrestrial and freshwater species, although some corals are on the list. He mentioned the Bahama starfish as a species that is now rare in the Keys. The ecological function of other echinoderms and invertebrates that have been heavily collected were also discussed. Concern was expressed about the legality of selling non-indigenous shells and animals locally when local resources have been depleted. CITES and the inter-connectedness of systems on a regional and global scale were discussed.

Richard Grathwohl moved, seconded by Debbie Harrison, that the Florida Keys National Marine Sanctuary Advisory Council request Sanctuary managers to write a letter of concern to the Florida Fish & Wildlife Conservation Commission about the taking of sea biscuits in large numbers within Sanctuary waters and address any other non-regulated species such as shells and starfish. The motion passed unanimously.

**Sanctuary Law Enforcement Report – Capt. Laurie Luher (FWC)**

Capt. Luher gave statistics on Sanctuary officers' deployments during hurricane recovery around the state. For all four hurricanes they gave 1,666 hours clearing debris, providing security and food and water by all means at their disposal. Officers returned to normal duty on violations such as fishing in SPAs, trap robbing, taking of undersized animals, catch sizes over the limits and possession of spearguns.

Lt. Roudebush reported on the impacts of hurricanes on turtle hatcheries and unusual bird distributions.

Capt. Luher mentioned the hair hooking pilot program which will be closely monitored. Discussion concerned the safeguards built into the permit. She said that two new officers will be joining the team under Lt. Burns. Lt. Scarpa will soon be commanding a new 55 foot aluminum catamaran on duty in the Tortugas.

Concern was expressed about the lack of consistent representation of commercial fishermen on the Council, as well as the lack of enforcement by the U.S. Coast Guard against drunk and disorderly charter boat captains.

**Navy Dredging Update – Lt. Robert Kamphaus (FKNMS)**

Lt. Kamphaus said that the project is 35% complete in terms of cubic yards, and that there is less material to be removed than initially thought.

**Western Sambo Ecological Reserve as Wildlife Management Area – Capt. Rick Bouley (Lower Keys Guides) and Richard Grathwohl (Marathon Guides)**

Capt. Bouley distributed copies of a Garmin chart off Boca Chica beach showing a proposed Wildlife Management Area, idle zone only. He said that although fishing is not allowed there, watercraft are still running over the flats which are also used by migratory fish throughout the year. He proposed moving traffic out no more than 200 yards into deeper water, adding no more than 20 seconds to journey time.

Ms. Harrison, seconded by Mr. Grathwohl, moved that the Florida Keys National Marine Sanctuary Advisory Council request Sanctuary managers additionally establish Western Sambo Ecological Reserve as a Wildlife Management Area, with an idle-speed only requirement, in the revised Florida Keys National Marine Sanctuary management plan. The motion passed unanimously.

**Coral Culture for Research and Conservation – Dr. Erich Mueller**

Dr. Mueller gave a PowerPoint presentation on research he has conducted on coral health since the 1970s in the Florida Keys and the Bahamas. He said that basic coral biology still needs to be understood. Dr. Mueller uses one single strain of elkhorn coral in his experiments to understand underlying processes of coral physiology. He is trying to find

corals that are resistant to bleaching and disease for restoration work. Discussion concerned details of experiments, disease specifics, the role of *Diadema* in maintaining coral health and the impact of acidification through increased CO<sub>2</sub> on the world's oceans. Dr. Mueller clarified that mass dissolution of corals has not been observed worldwide, although a slow down in growth rates has been observed.

**Draft Limited Entry for the Marine Life Fishery – Ken Nedimyer, Billy Causey, Grady Sullivan and Eric Pederson with discussion amongst Council members**

Mr. Causey said that the Florida Marine Life Association was formed in the 1970s to represent a small, diverse industry. No licenses have been issued since 1998 and the moratorium is about to expire. Ken Nedimyer explained the three-tiered Marine Life Dive permitting system. Ms. Harrison proposed a motion, seconded by Richard Grathwohl which was postponed until after lunch, following detailed discussion between Council members and marine life collectors. She moved that the Florida Keys National Marine Sanctuary Advisory Council (SAC) requests Sanctuary managers recommend approval of the Marine Life Effort Management Program Proposal draft rule to the Florida Fish & Wildlife Conservation Commission (FWC) for final public hearing at the FWC meeting on December 3<sup>rd</sup>, 2004 in Key Largo.

**Additional Public Comment for Biscayne National Park Fisheries Management Plan Working Group**

Spencer Slate, the owner/operator of Atlantis Dive Center, and an original Advisory Council member, expressed concern about user fees not going towards adequate enforcement. He said that until there was significant representation of the dive industry on the Working Group, the issue should be taken off the table. He recommended that only free diving should be allowed for spear fishing.

Grady Sullivan, addressing the marine life issue, clarified that under Florida administrative codes it is legal to lease a boat with a license, which often go to crawfishermen. He would like to see this rectified.

Mary Munson of the National Parks Conservation Association thanked the SAC for working with the Park and commended Chair Jack Curlett for his even-handedness. She expressed the hope that similar committees will be developed in the future.

**Draft Limited Entry for the Marine Life Fishery, continued.**

Ms. Harrison moved that the SAC additionally recommends that Section 5(2)(b) of the draft be amended to allow a Marine Life Transferable Dive (MLD) endorsement to be issued to no more than two of an applicant's saltwater products license in any one license year. The motion passed with one abstention.

**Biscayne National Park Fisheries Management Plan Working Group Update and Discussion amongst Council Members and Sanctuary Managers**

Chair Curlett gave a PowerPoint presentation summarizing the Desired Future Conditions for the six Issue Groups identified by the Working Group. Ms. Harrison proposed a motion, seconded by Chair Curlett, that the SAC requests Sanctuary managers

recommend adoption of Issues 1,2,3 and 6, which reaffirms the position taken by the SAC at the June 15, 2004 meeting. Additionally, the SAC requests that Research Natural Areas should be considered in the plan to address the dramatic increases in visitation to Biscayne National Park.

Dr. Todd Kellison for Biscayne National Park clarified that creel surveys are not a law enforcement tool, but for data collection, and since 1976 have shown what people are catching and how long it takes them to do it. He said that 10% of the yellowtail snapper catch are shorts. Discussion concerned the different management approaches in a National Park versus a National Marine Sanctuary, and that although Research Natural Areas were rejected by a majority of members of the Fisheries Management Plan Working Group, they will be considered in the General Management Plan as part of one of the alternatives mandated by the National Environmental Policy Act (NEPA). Discussion concerned a user fee and how the Working Group had addressed concerns raised by the Council in June over Issues 4 and 5. It was agreed to defer a vote on the Motion until after Public Comment.

### **Public Comment**

Mary Munson of the National Parks Conservation Association described the consensus-building process on the Working Group and expressed a hope that a similar process could be repeated in Everglades National Park.

Ted Forsgren of the Coastal Conservation Association said that if the Park Service were to implement the recommendations made by the Working Group it would have a profound impact. He said that there is a need to establish a baseline from historical data at a species level both inside and outside the Park. He mentioned a tagging experiment conducted by the Fish & Wildlife Commission on fish entering and leaving the Kennedy Space Center closed area, in which more fish appeared to be entering the no-take zone than were coming out. Discussion concerned mechanisms for reducing recreational fishing pressure. Mr. Forsgren preferred that this be done through regulation and not limiting the number of anglers. Further discussion concerned the peer-reviewed paper by Felicia Coleman et al. which appeared in a September issue of Science magazine.

Carl Liederman of Capt. Harry's Fishing Supply in Miami said that although everyone on the Working Group represented a different constituency, virtually every point presented was unanimously agreed upon. He said that Biscayne National Park is an urban park and that although nobody can be denied the right to fish in the Park, a user fee will help to control the numbers. He cited the post-fee decline in number of off-road vehicles in Big Cypress National Preserve as an example of this form of control working.

George Mitchell, fishing guide in Biscayne National Park, said that he has seen the Park deteriorate over his lifetime and attributes it to declining water quality and too many people. He said that he supports 87% of the money raised by a user fee going for education and enforcement in the Park. Mr. Mitchell suggested that closing an area and monitoring it is not going to have the same beneficial impact on protecting the Park's resources as more vigorous enforcement of existing laws.

Dr. Todd Kellison of Biscayne National Park thanked everyone for assisting the Park, and also the Sanctuary Advisory Council for working on this process to conserve and manage the fishery resources, not only in the Park, but on a regional scale.

H.T. Pontin, Master Mariner, addressed Sanctuary managers on state and international jurisdiction in Sanctuary waters. He said he intends to address the issue of banning jetskis in the Back Country through legal means.

Jennifer Zimmerman of Marathon High School said that the Park was originally established to protect resources and that fishermen benefit from no-take zones as they improve national fisheries. She said that over-fishing is a big concern for Biscayne National Park and that it would help to protect fishing if a no-take zone were established.

Bob Holston of Dive Key West had a letter to the Advisory Council read by Mr. Causey into the record. In it he expressed the concerns of the Keys Association of Dive Operators (KADO) that a user fee was being discussed applied to non-consumptive activities. The Association also expressed disappointment at the lack of representation on the Working Group of the dive and snorkel industry. KADO requests that the SAC does not forward the recommendations to Biscayne National Park as presented.

**Biscayne National Park Fisheries Management Plan Working Group, continued.**

Discussion amongst all parties present concerned the proposed user fee, penalties for violations, education and the level of support from each constituency for including a Research Natural Area in the General Management Plan.

Ms. Harrison amended her motion to read that the Florida Keys National Marine Sanctuary Advisory Council (SAC) requests Sanctuary managers recommend adoption of the draft recommendations put forward by the Working Group for Biscayne National Park Fisheries Management Plan.

Additionally, the SAC recommends the establishment of well-designed Research Natural Areas as a part of the General Management Plan development. The motion was seconded by Chair Curlett and passed by a majority on Roll Call vote, with 3 No votes.

**Report on Waterfront Access Working Group – Bruce Popham (Marathon Boatyard) and Rich Jones (Monroe County Marine Resources Division)**

Mr. Jones said the Marine Industries of South Florida, primarily in Broward County, are looking at the loss of working waterfronts to development. In Broward the land-use change is from megayacht marinas to mansions, in Monroe it is from boatyards to megayacht marinas. Florida Atlantic University conducted a study for Broward County, and the findings will go before the South Florida Regional Planning Council shortly.

Martin Moe proposed a motion, seconded by Debbie Harrison, that the Florida Keys National Marine Sanctuary Advisory Council requests Sanctuary managers communicate to Monroe County to move forward immediately to devise and implement a marine

management plan specific to Monroe County and the municipalities of Monroe County. Discussion concerned tax incentives and other regulatory changes for boatyard and fishhouse owners to prevent the further loss of these facilities to “dockuminiums”. The motion passed unanimously.

**National Marine Program Policy Topics – Billy Causey (FKNMS)**

Mr. Causey said that four topics will be discussed at the annual Chairs/Coordinators meeting in San Francisco next February and asked for Council members to communicate their views via e-mail to him on aquaculture, bio-prospecting, cruise ships and marine reserves.

**Agenda Items for December/Items for the Record**

Ms. Harrison would like to bring someone from the World Wildlife Fund to talk to the SAC about CITES (the international treaty to control the trade in endangered species).

Mr. Hunt suggested incorporating work by Monaco et al. on fish surveys from Buck Island with the FWC lobster monitoring data.

Mr. Grathwohl said that the idle-speed zones off Marathon will be coming before Marathon City Council in December.

**4:05 Adjourned**

Submitted by

Fiona Wilmot